

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:17-CV-00638-RJC-DSC**

MICHAEL LEE GREENE,)
)
Plaintiff,)
)
v.)
)
KEVIN R. MULLIS, et. al.,)
)
Defendants.)

THIS MATTER is before the Court on Defendants’ “... Motion[s] to Dismiss ...” (documents #11 and 14) and “Plaintiff’s Motion to File Second Amended Complaint” (document #22), as well as the parties’ briefs and exhibits.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given “when justice so requires.” Id.

For the reasons stated in Plaintiff’s briefs, the Court will allow him to file his Second Amended Complaint. See “Plaintiff’s Reply ...” at 16-19 (document #33).

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier,

238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS THEREFORE ORDERED that:

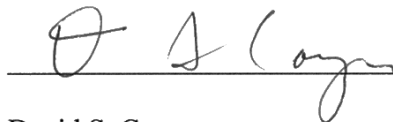
1, “Plaintiff’s Motion to File Second Amended Complaint” (document #22) is **GRANTED**. Plaintiff shall file his Second Amended Complaint within five days of this Order.

2. Defendants’ “... Motion[s] to Dismiss ...” (documents #11 and 14) are administratively **DENIED** as moot without prejudice.

3. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Robert J. Conrad, Jr..

SO ORDERED.

Signed: May 7, 2018



David S. Cayer
United States Magistrate Judge

